

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DAVID WATTS, §  
Plaintiff, §  
vs. § CIVIL ACTION NO. 4:13-cv-01176  
OIL PATCH WATER & SEWER §  
SERVICES, LLC, §  
Defendant. §

**STIPULATION OF FACTS**

Plaintiff David Watts alleges he is a misclassified former employee who was not paid overtime by Defendant Oil Patch Water & Sewer, LLC (“Oil Patch”) during the course of his employment in accordance with the Fair Labor Standards Act, 29 U.S.C. § 209, et seq. (the “FLSA”).

Oil Patch alleges Watts was exempted from the overtime pay requirements and provisions of the FLSA and that Oil Patch complied with all provisions of the FLSA.

The parties agree and stipulate to each of the following facts:

1. Oil Patch is engaged in the business of (1) selling and delivering bottled water for showers, washing, cooking and other mobile housing needs and (2) pumping and depositing of sewage from septic tank systems provided at various customer locations involved in the oil and gas industry.
2. Oil Patch is located in Victoria, Texas and conducts business operations in Texas, Arkansas, Louisiana and Oklahoma.
3. Oil Patch is an employer under the FLSA.
4. David Watts (“Watts”) makes claims against Oil Patch under the FLSA.
5. Watts was employed by Oil Patch from October 1, 2012 through December 17, 2012 and worked out of Oil Patch’s Marshall, Texas division.
6. Watts was a commercial truck driver for Oil Patch transporting sewage and his job duties included pumping and disposal of sewage from septic tank systems.

7. During his employment with Oil Patch, Watts drove a 2000 Freightliner and a 2005 International each with a gross weight of over 10,000 pounds while in transportation on highways.
8. Watts picked up the sewage sludge pumped from Oil patch customer drilling rig sites located in Texas cities Madisonville, Bedias, Leona and Carlos.
9. Watts delivered the sewage sludge to wastewater treatment plants at the City of Huntsville in Huntsville, Texas and at the City of Riverside in Riverside, Texas.
10. Phillips did not drive over state lines between October 1, 1012 and December 17, 2012.
11. During his employment with Oil Patch, Watts was paid a monthly salary of \$3,200.00.
12. Watts's employment with Oil Patch was terminated by Oil Patch effective December 17, 2012.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT  
OIL PATCH WATER & SEWER SERVICES, LLC

CERTIFICATE OF SERVICE

I certify that a copy of the Stipulation of Facts was filed electronically with the Clerk via the CM/ECF system on the 19<sup>th</sup> day of June 2013. Notice of this filing will be sent to the following counsel of record by operation of the Court's electronic filing system and by email.

VIA THE CM/ECF SYSTEM  
VIA EMAIL: [JOSH@SANDFORDLAWFIRM.COM](mailto:JOSH@SANDFORDLAWFIRM.COM)

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